

REMARKS

Claims 1-18 are pending in this application, all of which stand rejected. In the Office Action mailed on June 29, 2004 (Paper No. 2), the Examiner: objected to claims 1-7 and 9-15 for improper antecedent basis; and rejected all the pending claims under 35 U.S.C. § 103(a) over U.S. Patent No. 6,006,215 to Retallick ("Retallick"). Applicants hereby amend claims 1, 4, 6 and 9 to provide proper antecedent basis. Applicants respectfully traverse the Examiner's rejections. Further examination and review in view of the remarks below are respectfully requested.

Applicants' techniques are directed to providing collaboration among workers. In some cases, the collaboration occurs through the sharing of smaller tasks among the workers, also referred to as resources, involved in a larger project. Responsibility for tasks, also referred as task ownership, can be delegated from a project manager to the resources working on the project. Moreover, any resource may delegate a task to any other resource. As a project progresses, tasks can be transferred from one manager to another manager and/or resource, with the transferring manager retaining varying levels of control over the delegation process, for example, from a strictly controlled approach to a flexible, highly collaborative approach.

The Examiner objected to claims 1-7 and 9-15 because certain terms in claims 1, 4, 6 and 9 lacked antecedent basis. Claims 1, 4, 6 and 9 have been amended to address the Examiner's concerns by providing proper antecedent basis for the indicated terms.

All of Applicants' claims include the common feature of a first resource client sending a signal to a server indicating that a task is being delegated to a second resource client, and the server sending the task delegation information to a storage medium and to the second resource client. In rejecting the claims, the Examiner indicated that Retallick's recipient field in an activity record (col. 4, lines 1-5 and 51-52) corresponds to Applicants' provision of an indication of a delegation of a task to a second resource client, and

Retallick's ToDo list (col. 4, lines 16-19) corresponds to Applicants' provision of the server sending the task delegation information to a storage medium.

Applicants respectfully disagree. Retallick does not disclose, suggest or teach using a server to delegate a task from one resource to another resource, where the server sends the task delegation information to a storage medium, the second resource client, and a project manager client. Instead, Retallick merely describes a method for improved contact and activity management and planning by organizing information in a way that permits users to have access to the information needed to conduct business in a productive manner. In particular, records of customers, records of information about interactions and activities with the customers, and records of logical groupings of activities are created and functionally linked to provide management of contacts and activities. (Retallick, see Abstract; col. 1, line 66-col. 2 line 60).

While Retallick discloses a ToDo list, which is a set of activity records with the user identified as being the recipient which has not yet been marked as being completed (col. 4, lines 16-19), a user directly creates the activity record by entering data into pre-defined fields representing essential elements of the activity. (col. 4, lines 1-15). Thus, according to Retallick, the user creates the records in a ToDo list, which is in contrast to Applicants' first resource client sending a signal to a server indicating that the task is being delegated to a second resource client and, in turn, the server sending a record of the task delegation to a storage medium. Likewise, Applicants can find in Retallick no such disclosure or suggestion.

With respect to Applicants' feature of the server sending the task delegation information to the second resource client and the project manager client, the Examiner admitted that "Retallick does not specifically teach that the server is separated from a project manager client and therefore it is not required to sending the task delegation information from the server to the second resource client and to a project manager client [see col. 7, lines 2-28; e.g., the task delegation module has the capability of analyzing a

user's workload and availability for newly delegated data],” but asserted that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to further single out project manager clients in Retallick’s system for monitoring the resource clients’ availability and for approving or rejecting the delegation because by doing so it would make Retallick’s system more directly imitating a real working environment.”

Applicants respectfully disagree. According to the Manual of Patent Examining Procedure and controlling case law, the motivation to combine or extend prior art references under 35 U.S.C. § 103(a) cannot be based on mere common knowledge and common sense as to benefits that would result from such combination or modification. Instead, such motivation must be based upon specific teaching in the prior art, such as a specific suggestion in a prior art reference.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure, § 2143 (emphasis added).

In contrast to this well-established standard, the motivation to extend the prior art reference in accordance with the claimed invention provided by the Examiner is based solely on the alleged beneficial results that would be produced by this extension, without identifying any motivation from the prior art that supports the extension as is required.

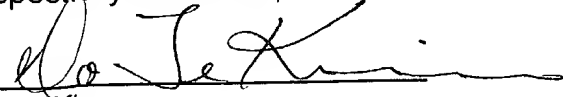
Even if we assume that there is sufficient motivation to extend Retallick as asserted by the Examiner, Retallick still does not disclose, suggest or teach a server sending the task delegation information to the second resource client – e.g., the delegatee – and a project manager client. Instead, in Retallick, as discussed above, a user – e.g., a delegator – creates the record of the task delegation information. Moreover, the task delegation module permits the sender-recipient link to be bidirectional (Retallick, col. 6, lines 61-64) and, instead of the recipient having to manually reject a task, the task delegation module can look at various databases, - e.g., the recipient's workload – and send an alert that the recipient is unavailable (Retallick, col. 7, lines 2-28). Thus, according to Retallick, there is a direct sender-recipient link and the task delegation module permits this link to be bidirectional by monitoring various databases. This is in contrast to Applicants' use of a server sending the task delegation information to the second resource client and the project manager client. Likewise, Applicants can find in Retallick no such disclosure or suggestion.

Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-18 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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